

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ANTRINO BERKS,)	
)	
Plaintiff,)	4:08CV3187
)	
v.)	
)	
STATE OF NEBRASKA MILITARY)	ORDER
DEPARTMENT and the NEBRASKA)	
ARMY NATIONAL GUARD,)	
)	
Defendants.)	
_____)	

This matter is before the Court on plaintiff's motion to withdraw complaint for declaratory relief (Filing No. 3). The Court finds it should be granted. Accordingly,

IT IS ORDERED that plaintiff's motion is granted; plaintiff's complaint is dismissed without prejudice on the grounds that it is moot.

DATED this 29th day of October, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court